

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Smolinske et al.                      EXAMINER: Patel, Jay P  
SERIAL NO.: 10/798,926                      GROUP: 2666  
FILED: March 11, 2004                      CASE NO.: CE11925R  
TITLED: METHOD AND APPARATUS FOR DYNAMIC BACKHAUL  
RESOURCE MANAGEMENT IN A WIRELESS  
COMMUNICATION SYSTEM

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Motorola, Inc.  
Corporate Offices  
1303 E. Algonquin Road  
Schaumburg, IL 60196  
September 13, 2006

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

Honorable Commissioner of  
Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 CFR §1.181 that the holding of abandonment, as communicated in the Notice of Abandonment mailed on June 13, 2006, for the application captioned above be withdrawn.

This Petition to Withdraw the Holding of Abandonment is being filed within two months of receiving the Notice of Abandonment from the United States and Trademark Office ("Office"). The Office abandoned the above captioned application because the Applicants failed to reply to the Office Action mailed November 14, 2005. The facts are as follows:

- (1) The Office mailed an Office Action on November 14, 2005;
- (2) The Applicants did not receive the Office Action of November 14, 2005 (a copy of Applicants' docket record where the non-received Office Action would have been entered had it been received and docketed is attached);
- (3) The Applicants received the Notice of Abandonment mailed June 13, 2006;
- (4) Having received the Notice of Abandonment of June 13, 2006, the Applicants accessed the Office's PAIR system and noticed the entry of November 21,

2005 indicating that mail was returned to the Office as undelivered (attached are a printout of the web page showing the documents available in the image file wrapper and a printout of the first page of the Office Action of November 14, 2005 showing that the Office received it back on November 21, 2005).

As stated above and shown by the attached documents, the Applicants did not receive the Office Action of November 14, 2005. The Applicants submit that the present petition provides a sufficient showing as detailed in MPEP 711.03(c).

Therefore, the Applicants respectfully petition that the holding of abandonment be withdrawn, the application captioned above be revived as a pending application, and that an Office Action be re-mailed.

No fees are believed to be due to file this Petition. Nonetheless, authorization is hereby give to charge any fees to Deposit Account No. **502117 -- Motorola, Inc.** Please charge any additional fee or credit any overpayment to same.

Respectfully submitted,  
J. Smolinske et al.

By:           /Jeffrey K. Jacobs/          

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